

REMARKS/ARGUMENTS

The Examiner has objected to Claim 54 for having unclear language. Claim 54 has been amended in response to the Examiner's argument.

The Examiner has rejected all of the pending claims (Claims 38, 40-50, 52, and 54) based on 35 USC 103(a) as being unpatentable over Clark ('611) in view of Pollard et al. ('951) and further in view of Ishitani ('918). Respectfully, the position of the Examiner is traversed on all pending claims. Applicant argues that the cited references, either alone or in combination, do not teach, suggest, imply, or enable one skilled in the relevant arts to create the subject invention. The justifications for this position are discussed below.

Clark ('611) does **not** specifically disclose that the data field is variably positioned (as is the case for the subject invention) and that the data is automatically located via programming logic that determines vertical and horizontal angles for said data field, wherein said vertical and horizontal angles represent a rotational angle at which said data field is rotated with respect to a set coordinate system and scores an identifiable feature of said data field based on location and said determined vertical and horizontal angles.

Due to the unique data detection technique utilized in the subject invention, the subject data rectangle may be "variably positioned" on the document, including any rotational angles (to facilitate quick application of the grading label, so the user does not have to be terribly careful in aligning the grading label with the vertical/horizontal edges of the document or in placement of the document beneath the camera). The subject programming is only expecting to "see" the data rectangle somewhere on the hand-

positioned document surface and the "where" is positionally variable on both the surface of the document and in the spacial orientation of the document beneath the camera. The subject programming first finds the variably positionable data rectangle and then images and transfers the noted data within the variably positioned data rectangle into an electronic gradebook. This type of electronic gradebook database usage is definitely not in the art.

Again, the invention in Clark does not automatically scan a randomly placed and oriented data rectangle on a document and document itself and pass the collected data onto a storage location, as does the subject invention. Again, a critical issue is that there are no "master set of coordinates" utilized with the subject invention and that the subject system calculates new data field coordinates and rotational orientation for each document scan. Each and every document scanned (e.g. each student test page) would, most likely, have a different calculated set of coordinates and rotational orientation for its particular data field/rectangle.

It is stressed that the invention in Pollard et al. ('951) absolutely requires the printed or scribed document must bear specialized calibration marks and utilizes the calibration marks for coordinate calculations. The subject invention does not utilize, require, or employ any specialized calibration marks.

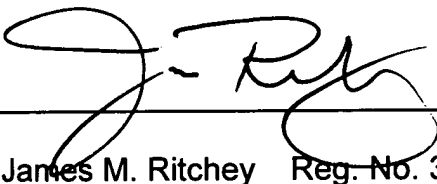
The cited Ishitani ('918) reference is utilized for minor skew variations in horizontal and vertical alignment utilizing, as a standard reference, underlying "unit sections 38." The subject invention does not utilized underlying "unit sections 38," but uses a totally different approach to finding images. The Ishitani ('918) device would not function for the uses describe in the subject application.

To clarify this programming limitation of the subject invention, pending Claims 35, 46, 50, 52, and 54 have been amended to contain the language that the data field contains variably positionable data automatically located via: "programming logic that determines vertical and horizontal angles for said data field, wherein said vertical and horizontal angles represent a rotational angle at which said data field is rotated with respect to a set coordinate system and scores an identifiable feature of said data field based on location and said determined vertical and horizontal angles".

In view of the above amendments and remarks, the Examiner is respectfully requested to withdraw the rejections to the Claims and pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (916) 498-1010.

Respectfully submitted,

Date: September 13, 2010

By:  _____
James M. Ritchey Reg. No. 32,594